



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Southwestern Bell Telephone Company

File: B-231822

Date: September 29, 1988

DIGEST

Protest that requirement for one contractor to provide a complete telecommunication system service including the switch, cable and end instruments unduly restricts competition is without merit where agency establishes that requirement is needed to minimize potential for disruption of on-base communication.

DECISION

Southwestern Bell Telephone Company protests certain requirements under request for proposals (RFP) No. F11624-88-R-0003 issued by the Department of the Air Force for a telecommunications system for Whiteman Air Force Base, Missouri. This system includes the basic digital switching system, attendant consoles, system access terminals, cabling and all other ancillary equipment and software necessary to provide service for a complete telecommunication system.

Southwestern protests that the requirements for all "cable, lines or other equipment" to be for the exclusive use of the Air Force Base and for one contractor to provide all services necessary for the complete system restrict competition and exceed the Air Force minimum needs. Southwestern states that these requirements prevent the company from competing because, under existing law, it cannot limit the use of its facilities to any particular customer and cannot provide either Customer Premises Equipment (CPE) such as telephone sets ^{1/} or enhanced

^{1/} Southwestern could provide CPE service by applying to the Federal Communication Commission for approval of its CPE Compliance Plan.

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services.^{2/} Additionally, Southwestern contends that the Air Force improperly excluded from the evaluation the trunking costs required with a PBX solution. We deny the protest.

The Air Force reports that this RFP was issued to comply with the requirements of "the National Communications System" created by Executive Order 12472, 49 Federal Register 13471 (1984), which requires that telecommunications systems provide "the necessary combination of hardness, redundancy, mobility, connectivity, interoperability, restorability and security to obtain, to the maximum extent practicable, the survivability of national security and emergency preparedness telecommunications in all circumstances, including conditions of crisis or emergency."

Among other reasons for restricting this procurement, the agency states that it is necessary to have one contractor provide the entire system in order that all parts of the telephone system will be compatible and to assure the proper coordination of maintenance, troubleshooting and repair of the entire interrelated system. The Air Force reports that prior to telephone company deregulation in 1984, the Bell System provided telecommunications services to the base and was responsible for maintaining the entire system. Since deregulation, telephone service is provided by several companies each responsible for parts of the service.

The Air Force advises that the division of responsibilities among several companies has created difficulties and delays in maintenance and repair of the system, particularly when disruption of telephone service occurs. Since the Air force usually cannot identify the cause of the problem, it has had to request service calls from different providers until the problem is located and the proper company responsible for the repair of that problem corrects the problem. The Air Force states that by requiring one provider to be responsible for complete service, it can ensure that breaks in service can be responded to more rapidly and efficiently, thus meeting its need for maintaining its telephone system in all circumstances as mandated under the executive order.

The Air Force also states that in order for telephone systems to provide all of the latest "state-of-the-art"

^{2/} The "Enhanced Service" in question here is a 60-second "weather recording" type service.

features, the telephone must send specific electronic signals to the switch to activate those features. According to the Air Force, these electronic signals are not standardized and are proprietary to specific manufacturers, therefore, many times, the telephones from one system cannot activate the special features available in another company's switch.

The contracting agency has primary responsibility for determining its needs and the best method of accommodating those needs. We have recognized that government procurement officials--since they are the ones most familiar with the conditions under which supplies, equipment, or services have been used in the past and how they are to be used in the future--are generally in the best position to know the government's actual needs. Consequently, we will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. Ray Service Co., 64 Comp. Gen. 528 (1985), 85-1 CPD ¶ 582.

When a protester challenges a specification as being unduly restrictive of competition, the burden initially is on the procuring agency to establish prima facie support for its contention that the restrictions it imposes are necessary to meet its minimum needs. But once the agency establishes this prima facie support, the burden is then on the protester to show that the requirements complained of are clearly unreasonable. Ray Service Co., supra.

We have recognized that procurements by an agency on a total package basis can restrict competition. The Caption Center, B-220659, Feb. 19, 1986, 86-1 CPD ¶ 174. However, we have upheld an agency's procurement on the basis of a total package approach where the agency has reasonably concluded that such an approach was necessary to meet the agency's minimum needs. Target Financial Corp., B-228131, Nov. 23, 1987, 87-2 CPD ¶ 506.

Southwestern contends the total package "barrier" is not required to meet the government's minimum needs. First, Southwestern argues that there are numerous electronic telephone sets that will be compatible with available switches and will perform all the functions required in the RFP. Second, Southwestern contends that it can coordinate getting the appropriate parties notified to repair through its Federal Coordination Services operation as well as any party.

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We think the Air Force's justification for a total package requirement to assure one contractor is accountable and responsible to the Air Force for repair and maintenance of the entire system has not been shown unreasonable. The record indicates that since deregulation the agency has had difficulties in identifying the problems with the equipment and getting the correct contractor to service the equipment. These difficulties effectively delay repair and prolong disruption of the system. These past repair difficulties support the requirement for one contractor being responsible for servicing the entire system.

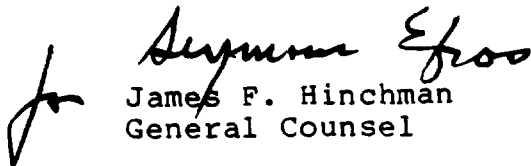
Southwestern asserts that its Federal Coordinations Service will meet the agency's minimum needs. However, the agency observes that the service does not promise to get the system fixed, it merely offers to call other contractors and ask them to come out and check their equipment, for a price. Thus, this proposal would continue the existing unsatisfactory situation. It basically would substitute Southwestern for the Air Force as the party calling contractors. Southwestern also argues that since the telecommunication system is connected to the outside network, one contractor for the entire system could still state the trouble was in the outlying network or with the long distance carrier. However, while this may be true, the Air Force still would have prompt and effective repair on-base to maintain internal on-base communication which would not be adversely affected by events occurring off the installation.

Given the mandate of Executive Order 12472 and in order to maintain its readiness, we cannot conclude that the agency decision to make a single award for the entire telecommunication system including the switch, cable and end instruments to a contractor responsible for servicing the entire system lacks a rational basis. Accordingly, we will not question the agency's total package approach.

Southwestern asserts that it is prevented under existing law from providing all the services necessary for the complete telecommunication system solicited by the Air Force. However, the fact that Southwestern may not be able to meet the specification does not establish its unreasonableness. The number of possible sources for an item or service does not determine the restrictiveness of specifications. Mid-Atlantic Service & Supply Corp., B-218416, July 25, 1985, 85-2 CPD ¶ 86. The record indicates that the Air Force received several offers under this RFP.

Since Southwestern concedes that the total package approach effectively precludes it from competing, our determination that the total package approach RFP requirement was reasonable is dispositive and we need not consider Southwestern's other contentions and the Air Force's responses thereto.

We deny the protest.

James F. Hinchman
General Counsel